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ABSTRACT

Public opinion sharing is being hindered in the present public school negotiation system in New York State. The present negotiation policies hinder and even prohibit public participation in the negotiation process. One hundred adults from Buffalo and thirteen surrounding communities were interviewed by phone and their attitudes toward school negotiations and community involvement were surveyed. The overall results of the study indicate that citizens show a slight inclination to favorably support new teacher contracts and awards to teachers, but have a strong (84 percent) interest in acquiring additional information about such contracts. By far the most favorable avenue for increased public involvement in school negotiations would be to hold open public meetings (91 percent). (Author/MLF)

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A SURVEY OF COMMUNITY INTEREST IN PUBLIC SCHOOL COLLECTIVE NEGOTIATIONS IN A METROPOLITAN AREA

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BACKGROUND TO THE STUDY

Negotiations in the public sector has a slow and gradual development. The legal process began in 1935 with the passage of Section 7A of the Social Security Act of 1935 granting private employees the right to organize. In the public realm, employment was considered by many as a public service and therefore constituents of the public would oversee the employment as a protector of citizen rights since public corporations were virtually a monopoly. In the private sector, the public could always option their involvement by buying one product and not another (National Committee for Citizens in Education, 1975, pp. 140-43).

Then followed the Wagner Act (National Labor Relations Act) which granted collective bargaining rights to most employees in the private sector. The 1947 Condon-Waldin Act in New York State prohibited strikes by public employees although it gave them the right to express their views, complaints, and grievances in public or private.

In 1962, United States Executive Order 10988 was a major impetus in giving public employees unionization in the 1960s. This order recognized the right of federal employees in public employee collective negotiations. The Taylor Law of 1967 (Public Employees Fair Employment Act) was enacted in New York State, granting the right of any public employee to join a union and for that union to be recognized as the negotiating agent.

At this point in time, the classical public school administration/school board and teachers relationship in New York State was altered and continued to be altered each following year. Various problems arose: what is negotiable, what is not, and what could be, are all questions which had to be answered. Both teachers and administrators had to explore the avenues of impasse, mediation, fact-finding, and arbitration.

After several years, administrators and school boards discovered that their hands were being tied and their power and authority were being shared (National Committee for Citizens in Education, 1975). Soon it was discovered that administrators/school boards had lost some measure of power in governing the schools, while the teachers were becoming a more powerful force.

One result is that the public involvement of community members is being hindered in the present collective bargaining system in New York State. The teaching force has recently influenced policy matters that at one time was board decisions. Negotiators for the district and the teachers may not always be familiar with the district and hence, cannot be representative of the community's needs.

Furthermore, Fantini (1970), Gittell (1973), and Sarason (1976) document that the board does not represent the broad spectrum of the community. The board usually hires an attorney to conduct negotiations, but this individual is

usually not representative of the community nor knows what the community's needs are. The board does not have the time nor expertise in the negotiating process, therefore must rely greatly on the professionalism of the lawyer. The board only sets general guidelines as to maximum salary increase, number of days off, etc.

A significant portion of the negotiations deals with money issues whereby the two parties mutually agree, but the taxpayer must pay the agreed upon costs. The children are being educated in a community wherein policy formations and negotiations take place behind closed doors and in many instances there is little or no opportunity for the community to partake in the development of such activities, nor are potential policies or tentative contracts exposed to acquire the opinion and views of the community.

There is a need to study alternatives to the present negotiating system, since there is a lack of public involvement, public opinion sharing, and representation within the district. This study points to the inherent legal problems of the present structure. Public opinion sharing is being hindered in the present negotiation system in New York State. There is no statute giving rights to the community before, during, or after the negotiation process; there is no statute that protects the community from the present inequities of the system; the scope of bargaining has increased and has now encroached upon policy issues formally under the sole domain of the public representatives of the community.

REVIEW OF THE LITERATURE

The National Committee for Citizens in Education (1975) explores the problem of the present governance of the schools. The committee depicts the erosion of lay control and shows how the bargaining process has acquired some control by the teachers collectively at the hinderance of parents, students, and an access to participatory involvement. The committee beomes a protagonist for citizen participation having a significant influence over school policy.

Levin (1970) also emphasizes the need for citizen participation in public schools. In addition, he states that this participation should definately involve the community in the policy making process. Gittell (1972) emphasized local control of the schools. Fantini (1970) specifically explores community control of urban schools.

The basic structure of these researchers is expoused in Rousseau's The Social Contract. Rousseau stated that citizen participation enhances individual interaction and perpetuates growth and respect for the system in which it is used.

Silbiger (1975) examines a system of public administration, concluding that public opinion in public administration is a method of incorporating public opinion into the public policy making process. But according to Davies (1976), citizen participation in educational decision making is almost non-existant.

Cheng (1976) specifically explores involvement in the public policy making process concluding that it has not taken

affect in the public school collective negotiation process.

The present negotiation policies in New York State hinder and even prohibit public participation in the negotiation process. There is no statute under the Taylor Law giving rights to a third party in the negotiation process (exclusive of an arbitrator or mediator). Article 14 of the Civil Service Law (Consolidated Laws of New York State) states that the bargaining process is an exclusive bargaining right between the employer (School Board/Chief School Officer) and the employees (representatives of the teachers' unions). This relationship in New York State typifies the bargaining process in other states which have collective bargaining laws (Ross and Faful, 1975).

The concept of public participation and opinion is also alligned to Verba's (1967) concept of democratic participation by social goals and indicators for American society. Social indicators of the present scope of negotiations in the public sphere are becoming quite evident.

Verba (1969) documents that the crisis of participation exists because three fundamental issues of participation are being raised at once. "New people want to participate in relation to new issues, and in new ways." To be more specific, Wellington and Winter (1969) state that collective bargaining in the public sector, if left unchecked, could erode the normal American political process by granting employee organizations a disproportionate power advantage in affecting public policies.

Lieberman (1972) has strong misgivings about teacher organizations gaining access to educational policy making. He states that obtaining access to policu making through the collective bargaining process will be done at the expense of other citizen groups.

The most complete document of this crisis of participation in the negotiation process is seen in Cheng (1976). Cheng discusses the downfall of the school boards' policy role via the scope of negotiations and the negotiation process. His analysis of conflict and the device of community participation in general helps to formulate the need for alternatives to the present collective bargaining models with emphasis on his fifth proposal for multi-level negotiations.

Sarason et. al. (1976) depict the problem of representation in the bargaining process in their review of a questionnaire showing that the school board is not adequately responsive to the concerns and the demands of the community. At the same time, most interviewees supported the right of the community to influence school policies and practices. Sarason et. al. explore several instances of community participation in school negotiations and suggest alternatives to the present negotiation process to include community participation.

It is evident that there is a lack of public opinion sharing in public school collective negotiations. If the community is going to support schools and if there is going to be a public opinion at all, then some form of community

participation in collective negotiation must take place.

Hamlin (1953) states "there is probably no such thing as citizen apathy regarding schools. There is only lack of ways for them to participate in school affairs." If proper communication models are set up, then proper participation may exist not just in schools but in the collective negotiations process itself.

CONCEPTUAL FRAMEWORK

This survey, exploring the need for community involvement in public school collective negotiations, has a conceptual framework based on political science. The most abstract portion of the conceptual framework explores the relationship between participation and some aspects of negotiations. This relationship is further refined into some forms of representation and some aspects of New York State public sector collective negotiations.

For example, in the present negotiating process in public schools in New York State, representation exists in the public sector, but not for the community at large. Participation in school negotiations is usually minimal and communication is generally in one direction only — toward the community. Public opinion does not bear directly on public school employee negotiations in New York state.

The basic assumptions of the conceptual framework are: there is often a lack of community representation in public school collective negotiations; there is often a lack of

community participation in public school collective negotiations; and, the relationship between representation and public sector school negotiations is (when in existance) in the direction toward the public sector by the school district and the teachers' organizations.

The need for community participation was emphasized by Davies of the Institute for Responsive Education and the New World Foundation in a recent address (October, 1977). He proposes six areas for modeling public participation in negotiations. They range on a continuum from sunshine laws to to the use of public constituency by school boards. Variations within this negotiation continuum include: publication of agenda and public response, use of a community member (representative of the public will) or mediator, multi-level bargaining within a school system, and a third party participation in bargaining.

This study explores various concepts expoused by Davies, along with additional questions, to acquire a greater understanding of the problem at hand.

THE RESEARCH

Methods

100 Adults (ages eighteen and over) from Buffalo and thirteen communities surrounding Buffalo were interviewed by phone and their attitudes toward school negotiations and community involvement were surveyed.

Phone numbers of potential respondants were selected at random from the Buffalo Area Section of the Hamburg Edition of the 1977-78 New York Telephone Book. Identically measured and folded slips of paper were shosen from a large bowl. In the first bowl, the numbers one through five were placed, as there are five columns in the phone book. In a second bowl the numbers one through one-hundred were placed, as there are no more than one-hundred phone numbers listen in a column. In a third bowl the numbers one through 735 were placed, as there are 735 pages in the Buffalo Area Section of this phone book. One slip from each bowl was chosen by an uninvolved observer and it was determined that the interviewer would begin calling with the 86th person in the second column on page 798.

An uninvolved observer was called upon to assist in the counting. Should a column contain less than 86 phone numbers, the counter was instructed to return to the top of the second column and continue the count. Should the 86th phone number indicate a place of business rather than a residence, such occurance was noted, but the number was not to be called. The interviewer would continue the survey with the next consequtive page.

The actual interviewing was conducted on a Thrusday, Friday, and Saturday between the hours of 11:00 a.m. and 4:00 p.m. by only one interviewer using a consistant approach. Changed phone numbers, disconnected numbers, places of busi-

ness, households with only residents under 19 present, and households refusing to cooperate were disregarded. When a phone number was busy or when the phone was not answered, such numbers were placed on a list and were tried again at a later time. Such numbers were called back no more than twice.

The actual survey consisted of nine yes or no questions and took approximately five minutes to conduct. Responses to each question were tallied according to locality. When 100 responses were completed, it was seen that responses from the city of Buffalo accounted for 31% of the total sample of responses. The remaining responses represented thirteen communities in the greater Buffalo area: Kenmore, Hamburg, Cheektowaga, Tonawanda, Lancaster, Eggertsville, Lackawanna, Orchard Park, Williamsville, West Seneca, Grand Island, Amherst, and Depew. All of these communities have their own school districts except Eggertsville, which is absorbed into the Amherst Central School District.

Results of the study may be limited in part by the fact that some potential respondants have un-listed phone numbers or do not have telephones. Additionally, certain respondants remained unreachable as, after three attempts, their phones continued to be busy or were not answered. Hence, some communities may be over-represented in this survey compared to others in terms of total percentage of respondants per actual population.

Although these problems were evident, much care was taken

in all other aspects of the study. Validity of the study is still significant, although final percentages may vary slightly in similar future studies.

Results of the Study

Results of the study were laid out in statistical charts according to locality and responses to questions. For this discussion, the overall results of the survey and the relationship between responses from Buffalo city residents and suburban Buffalo residents will be considered.

Overall Results:

(q1)[1] 71% of all respondants were aware that public school teachers bargain collectively with representatives of the school board.

(q2) 81% of all respondants knew that a teacher contract is binding after it is signed by teachers, board members, and the school administration.

(q3a) 79% of all respondants knew that property owners in their community pay, through taxes, the settlements agreed upon during teacher negotiations.

(q3b) 48% of all respondants agreed with this method.

39% disagreed.

13% remained undecided.

(q4a) Only 57% of all respondants knew that a new teacher contract must be honored even if the school budget for that year is defeated.

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1. "q" numbers refer to corresponding question asked during the actual interview. For a complete listing of questionnaire items, see appendix.

(q4b) Yet, after reflection, 60% of all respondants agreed with this procedure.

35% did not.

5% were undecided.

(q5) 89% of all respondants felt that their community needed more information about teacher negotiations. It was this 89% who continued with the survey. The 11% who felt their community did not need more information were thanked for their time and released from the interview.

(q6) 75% of the retained sample responded positively to the idea of increased community involvement in the actual process of collective bargaining with teachers.

(q7a) 61% felt additional involvement is necessary prior to bargaining,

(q7b) 67% felt additional involvement is necessary at the bargaining table, and

(q7c) 64% felt additional involvement is also needed after the negotiations.

(q8) Interestingly, a full 91% felt it would be worthwhile to attend open public meetings during negotiation time to learn more about issues being negotiated on in new teacher contracts.

(q9) Despite the high interest in community involvement in teacher negotiations, only 55% of remaining respondants would like to have the final vote on passage of a new teacher contract after teachers and administrators agreed upon the contract.

While the interviewer did not solicit comments from respondants, she noted that most respondants with negative views on this procedure offered their reasons. No statistics were kept on "reasons," however the interviewer mentioned the three most common:

a) "If the community was more involved during the entire process of negotiations, a final community vote would not be necessary."

b) "I trust my school board members and district administrators. If they agree, it's 'O.K.' with me."

c) "I do not trust my community. Too many uninformed members vote down school increases. I'd only like to see those community members who were involved in the actual negotiations make the final decision."

The Relationship Between Views of Respondants from the City of Buffalo and Views of Respondants from Buffalo Suburban Areas:

The relationship between views of respondants from the city of Buffalo and views of respondants from Buffalo suburban areas is not significant as pertains to each group's awareness of teacher bargaining practices and the binding nature of teacher contracts.

Buffalo city residents were, however, 28% more unaware than their suburban counterparts that property owners in the community pay, through taxes, settlements agreed upon during teacher negotiations. They were also 50% more likely to respond negatively to this concept.

Although a large percentage of both groups desired more community information about teacher negotiations, respondants from the city of Buffalo indicate a slightly higher interest in actually increasing community involvement in negotiations. Buffalo city residents responded positively to community involvement before negotiations 9% more frequently than sub-

urban residents. They favored community involvement during negotiations 15% more frequnetly and desired participation after negotiations 21% more frequently.

Both groups favored open public meetings, with Buffalo residents responding positively to this idea slightly more often than the suburban counterparts. However, Buffalo residents were 29% more likely to favor a final community vote after teachers and administrators agreed upon a teacher contract.

In analysis, Buffalo city residents are shown to be less aware of teacher contract negotiations and settlements but even more interested than members of surrounding communities in becoming more involved in the public school negotiation process in all aspects of involvement (as evidenced in responses to questions 6-9).

The overall results of the study indicate that citizens show a slight inclination to favorably support new teacher contracts and awards to teachers, but have a strong (84%) interest in acquiring additional information about such contracts.

Similarily, there is strong evidence (75%) for support of more direct community involvement in the negotiation process and a majority interest in community involvement prior to (67%), during (67%), and after (64%) actual negotiations.

By far the most favorbale avenue for increased public

involvement in school negotiations would be to hold open public meetings (91% positive response). Many respondants volunteered that such meetings would benefit both community and school board members.

By a slim majority (55%), granting the community the final voted decision on whether or not to grant a new teacher contract was favored.

Conclusions:

This study lends support to evidence for a need to change the present practices of public school collective negotiations as the effect people in the greater Buffalo area in the state of New York.

Additional research is needed in other localities in New York State before concrete evidence in favor of introducing changed to the Taylor Law may be presented.

Door-to-door polling may be a more effective means through which to gather further information. It may also be worthwhile to catagorize responses not only by locality, but also by sex, age, and whether or not they have children in public schools. It may be helpful to ask the following questions of respondants:

a) are you or is any member of your immediate family a teacher?

b) do you or does any member of your immediate family belong to an employees' union?

Appendix: Research Questions

1. Are you aware that public school teachers bargain collectively with members of the school board?

2. Are you aware that a contract is binding after it is signed by teachers, board members, and school administrators?

3a. Are you aware that property owners must pay, through taxes, settlements agreed upon during negotiations?

3b. Do you agree with this?

4a. Are you aware that new teacher contracts must be honored even if the school budget for that year is defeated?

4b. Do you agree with this?

5. Do you feel your community needs more information about teacher negotiations? (If "no," end interview)

6. Would you like to see more community involvement during the actual negotiation process with teachers? (If no, enter "no" for all questions 7a-c and continue to question 8)

7. Would you like to see more community involvement
   a. prior to negotiations?
   b. during negotiations?
   c. after negotiations?

8. Would you like to see open public meetings held during negotiation time?

9. Would you like to have the community to have the final vote on passage of a new teacher contract after teachers and administrators agreed upon the new contract?

End of Interview

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